IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4644 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

PREMABHAI R SOLANKI - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

==========

Appearance :

MR AJ SHASTRI for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1, 3,
MR AD OZA for Respondent(s) : 2,
MR VB PANCHAL for Respondent(s) : 4,

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 01/11/2006

ORAL JUDGMENT

1.By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or order quashing and

setting aside the decision dated 30.3.1996 and communication dated 26.6.1996. A further prayer is also made to confirm the seniority as per the criteria considered while preparing 1977 seniority list.

2. From the pleadings in the petition as well as the grievance made by the petitioner, it appears that the main dispute was against the respondent No.4 as the respondent No.4 was placed above the petitioner in the seniority list, whereby, the petitioner was required to hand over the charge of Principal. It appears from the averments made in the Civil Application No. 989 of 1997 in Special Civil Application No. 4644 of 1996 that the respondent No.4 was to retire on 31.8.1997 and accordingly, the respondent No.4 must have retired. Accordingly, so far as the grievance of the petitioner against the respondent No.4 and his seniority is concerned, the same will not survive and/or it has become infructuous by efflux of time.

3. Under the circumstances, the present Special Civil Application is dismissed as having become infructuous as no cause survives against the respondent No.4 and/or the dispute with regard to the inter-se seniority

between the petitioner and the respondent No.4 does not survive as the respondent No.4 has retired on 31.8.1997. Under the circumstances, the present Special Civil Application is dismissed as having become infructuous by efflux of time. If the petitioner is continued as a Principal by treating him senior than the respondent No.4, the same may be continued. This petition is accordingly disposed of as having become infructuous. No costs.

[M.R.SHAH, J.]

kdc